

# Memorandum



**Date:** (Public Hearing 7-22-15)  
May 6, 2015

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

Agenda Item No. 7(B)

**From:** Carlos A. Gimenez  
Mayor

**Subject:** Ordinance for Application No. 7 in the November 2014 Cycle Applications to Amend the Comprehensive Development Master Plan

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The attached ordinance addresses a Comprehensive Development Master Plan, private application that under Rule 5.05(b)(1) of the Board is exempt from Commission sponsorship. The staff analysis and fiscal impact statement for this application are discussed in a separate report that appears on this agenda which, together with this ordinance, were prepared by the Department of Regulatory and Economic Resources.

  
\_\_\_\_\_  
Jack Osterholt  
Deputy Mayor

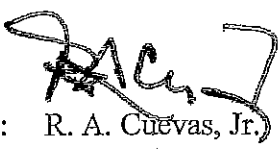


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** July 22, 2015

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 7(B)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(B)  
7-22-15

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN;  
PROVIDING DISPOSITION OF APPLICATION NO. 7,  
LOCATED BETWEEN NW 97 AND NW 87 AVENUES AND  
BETWEEN WEST FLAGLER STREET AND THEORETICAL  
NW 8 STREET (SOUTH OF SR 836), FILED IN NOVEMBER  
2014 CYCLE TO AMEND THE COUNTY'S  
COMPREHENSIVE DEVELOPMENT MASTER PLAN;  
PROVIDING SEVERABILITY, EXCLUSION FROM THE  
CODE, AND AN EFFECTIVE DATE

**WHEREAS**, pursuant to Chapter 163, Part II, Florida Statutes, the Miami-Dade Board of  
County Commissioners ("Board") adopted the Miami-Dade County Comprehensive  
Development Master Plan ("CDMP") in 1988; and

**WHEREAS**, the Board has provided a procedure, codified as Section 2-116.1 of the  
Code of Miami-Dade County, Florida, to amend, modify, add to, or change the CDMP; and

**WHEREAS**, Miami-Dade County's procedures reflect and comply with the procedures  
for adopting or amending local comprehensive plans as set forth in Chapter 163, Part II, Florida  
Statutes; and

**WHEREAS**, applications to amend the CDMP may be filed with the Planning Division  
of the Department of Regulatory and Economic Resources ("Department") by private parties or  
by the County; and

**WHEREAS**, Application No. 7 was filed by the Department in the November 2014  
Cycle of Applications to amend the CDMP ("November 2014 CDMP Amendment Cycle") and  
is contained in the document titled " November 2014 Applications to Amend the Comprehensive

Development Master Plan," dated December 19, 2014, and kept on file with and available upon request from the Department; and

**WHEREAS**, as required by Section 2-116.1, the Department issued its initial recommendations addressing the November 2014 CDMP Amendment Cycle in a report titled "Initial Recommendations November 2014 Applications to Amend the Comprehensive Development Master Plan", dated March 2015 and kept on file with and available upon request from the Department; and

**WHEREAS**, the directly impacted Community Council and the Planning Advisory Board, acting as the Local Planning Agency, have acted in accordance with the applicable State and County procedures and have conducted public hearings and issued recommendations for the disposition of Application No. 7; and

**WHEREAS**, at the public hearing conducted to address transmittal of the November 2014 CDMP Amendment Cycle to the State Land Planning Agency and other state and regional agencies ("reviewing agencies"), the Board by resolution, transmitted Application No. 7 to the reviewing agencies; and

**WHEREAS**, the Board must take final action to adopt, adopt with change, or not adopt Application No. 7 to amend the CDMP no later than forty five (45) days after receipt of written comments from the reviewing agencies addressing transmitted applications, unless a greater time period is deemed necessary by the Director of the Department, pursuant to Section 2-116.1(4)(a) of the Code of Miami-Dade County, Florida; and

**WHEREAS**, the approval of an amendment to the CDMP does not assure favorable action upon any application for zoning or other land use approval but is part of the overall land use policies of the County; and

WHEREAS, this Board has conducted the public hearings required by the referenced procedures preparatory to enactment of this ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. All matters set forth in the preamble are found to be true and are hereby incorporated by reference as if set forth verbatim and adopted.

Section 2. This Board hereby takes action on Application No. 7, filed for review during the November 2014 CDMP Amendment Cycle, as follows:

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Final Action
7	<p>Keep Bleau Green Committee, Inc. / Felix Lasarte, Esq.</p> <p>Between NW 97 and NW 87 Avenues and between West Flagler Street and theoretical NW 8 Street (south of SR 836) / (±112.0 Gross Acres, ±110.0 Net Acres)</p> <p><u>Requested CDMP Amendment:</u></p> <p>1. Modify existing Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, regarding April 2004 CDMP Amendment Cycle Application No. 3, to exclude the 5-acre Parcel A. (Declaration of Restrictions recorded in Book 23413 Page 1136 of Miami-Dade County Official Records – as modified by the First Modification to the Declaration of Restrictions recorded on Book 26955, Page 908 of Official Records);</p> <p>2. Re-designate Parcel A (±5.2 gross acres):</p> <p>From: "Parks and Recreation"</p> <p>To: "Medium Density Residential (13 to 25 DU/Ac.)";</p> <p>and</p> <p>3. Add the proffered Declarations of Restrictions to the Restrictions Table in Appendix A on Page I-95 of the CDMP Land Use Element.</p> <p>Standard Amendment</p>	

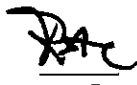

**Section 3.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby.

**Section 4.** It is the intention of the Board, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

**Section 5.** This ordinance shall become effective ten (10) days after the date of enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board; however, pursuant to Section 163.3184(3)(c)4, Florida Statutes, the effective date of the plan amendment adopted in this ordinance shall be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete, if the amendment is not timely challenged. If timely challenged, the amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on the adopted amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, the adopted amendment may nevertheless be made effective, subject to the imposition of sanctions pursuant to Section 163.3184(8), Florida Statutes, by adoption of a resolution affirming its effective status, a copy of which resolution shall be filed with the Clerk of the Board and sent to the State Land Planning Agency.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency.

Prepared by:

Dennis A. Kerbel